IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.9813 OF 2004

Sarathi Shikshan Prasarak Mandal and another.).. Petitioners

Versus

State of Maharashtra and others).. Respondents

Mr.A.M.Joshi for the Petitioners.

Mr.C.R.Sonawane, Assistant Government Pleader, for Respondent Nos.1 and 2.

Mr.M.L.Patil for Respondent No.3.

CORAM: H.L. GOKHALE AND S.P. KUKDAY, JJ.

DATED: 20TH JUNE 2005

P.C.:

. Heard Mr.Joshi in support of this Petition. Mr.Sonawane, Assistant Government Pleader, appears for Respondent Nos.1 and 2. Mr.Patil appears for Respondent No.3.

2. The Petition seeks to challenge the order of the Education Officer (Secondary), Zilla Parishad, Pune dated 4th November 2003 and other orders directing that Respondent No.3 be resumed in the services of the Petitioner School. Mr.Joshi points out that Respondent No.3 was not given any such regular appointment. He was employed on his request as a trainee and there was no regular appointment given. Mr.Patil appearing for

Respondent No.3 very much disputes this and has filed a reply. In any case, in the facts of the present case, it cannot be said to be proper for the Education Officer to interfere. The proper course for the Respondent No.3 was to approach the School Tribunal and ventilate his grievances against his alleged termination. In the circumstances, we set aside the order passed on 4th November 2003 by the Education Officer (Secondary), Zilla Parishad, Pune, while reserving liberty to Respondent No.3 to approach the School Tribunal. Mr.Joshi states that if any such Appeal is filed within thirty days, the plea of limitation will not be raised.

3. Although, the Petition is thus being disposed of, we find that the manner in which the Petitioner school is engaging teachers for so-called training on lesser salary is also not justified. Mr.Sonawane states that the Education Officer (Secondary), Zilla Parishad, Pune will be asked to look into this issue and hold an enquiry. The Enquiry Officer will hold proper enquiry in this behalf and take appropriate action against the school if it is found that any such anomalies are existing there.

4. Petition disposed of accordingly.

(H.L. GOKHALE, J.)

(S.P. KUKDAY, J.)